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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,751	06/06/2005	John Watler Englert	PU020491	5463
24498	7590	02/23/2006	EXAMINER	
THOMSON LICENSING INC. PATENT OPERATIONS PO BOX 5312 PRINCETON, NJ 08543-5312			DESIR, JEAN WICEL	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/537,751

Applicant(s)

ENGLERT, JOHN WATLER

Examiner

Jean W. Désir

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/6/05, Pre-Amendment.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-4 is/are allowed.
6) ☒ Claim(s) 5-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 5-7, 9-13, 15-20, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Cuccia (US 6,337,719).

Claim 5:

Cuccia discloses:

“a tuner”, see Fig. 1 item 103;

“a source of operating power”, see Fig. 1 item 109;

“and a controller for causing the operating power to be applied to the tuner during a normal mode of operation of the apparatus and during a first portion of a standby mode of operation, and for causing the operating power to be removed from the tuner during a second portion of the standby mode of operation”, see Fig. 1 items 118, 109, col. 2 lines 44-63, col. 4 lines 36-55.

Claim 6 is disclosed, see col. 2 lines 21-34.

Claim 7 is disclosed, see col. 2 lines 21-27.

Claims 9, 10 are disclosed, see col. 4 lines 34-55, col. 2 lines 34-63.

Claim 11:

Cuccia discloses:

“a control means”, see Fig. 1 item 118;

“a tuner”, see Fig. 1 item 103;

“and a power supply for applying power to said tuner in a portion of a standby mode in response to a signal from said control means”, see items 118, 109, col. 2 lines 44-63, col. 4 lines 36-55.

Claims 12, 13 are rejected for the same reasons as claims 6, 7.

Claims 15, 16 are rejected for the same reasons as claims 9, 10.

Claim 17:

Cuccia discloses:

“a tuner for selecting a signal”, see Fig. 1 item 103;

“a power supply for applying power to the tuner responsive to a control signal”, see Fig. 1 item 109;

“and a controller for generating the control signal in response to a parameter of the signal processing apparatus for causing the power supply to apply power to the tuner during the normal mode of operation and during a first portion of the standby mode of operation and for causing the power supply to remove power from the tuner during a second portion of the standby mode of operation” see Fig. 1 items 118, 109, col. 2 lines 44-63, col. 4 lines 36-55.

Claim 18:

The claimed "applying power to a tuner in a first mode of operation; and applying power to said tuner during a portion of a second mode of operation and removing power during the remainder of said second mode of operation" is disclosed, see Fig. 1 items 109, 118, 103, col. 2 lines 44-63, col. 4 lines 36-55.

Claims 19, 20 are rejected for the same reasons as claims 6, 7.

Claim 22 is rejected for the same reasons as claim 9.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 8, 14, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cuccia (US 6,337,719).

Claim 8:

Cuccia does not explicitly say that the auxiliary data is **an emergency alert signal** as claimed in claim 8. However, the claimed invention would have been obvious to an artisan in view of Cuccia; because Cuccia discloses a receiver capable of receiving radio or television signals, and it is notoriously well known in the art to provide auxiliary data, such as emergency alert information, across radio or television signals in order to provide users with useful information in case of a disaster for instance; thus, an artisan would be motivated to modify Cuccia and implement this existing technique to

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arrive at the claimed invention. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Claim 14 is rejected for the same reasons as claim 8.

Claim 21 is rejected for the same reasons as claim 8.

Allowable Subject Matter

5. Claims 1-4 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD
Feb. 16, 06


MICHAEL LEE
PRIMARY EXAMINER